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GONZALEZ; ROGER ARAMAYO; ISMAIL VENEGAS;  
9 CLEMENTE FRANCO; HECTOR PENA; PASCUAL  
TORRES; CAROL DEUPREE; JESSICA VIRAMONTES;  
10 JUAN SARINANA; ADRIANA ZUNIGA; PREM SARIN;  
DAVID BOUFFARD; and HECTOR SANCHEZ

11  
12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
14

15 TODD R. G. HILL,  
16 Plaintiff,

17 v.

18 THE BOARD OF DIRECTORS,  
OFFICERS AND AGENTS AND  
19 INDIVIDUALS OF THE PEOPLES  
COLLEGE OF LAW; et al.

20 Defendants.  
21

Case No. 2:23-cv-01298-JLS-BFMx

**DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S NOTICE OF  
OBJECTION TO PREMATURE  
RULING ON PENDING RULE  
12(b)(6) MOTIONS AND REQUEST  
FOR RULING ON PLAINTIFF'S  
TIMELY REQUEST TO AMEND  
UNDER FRCP 15(21)(2)**

Judge: Josephine L. Staton  
Magistrate: Brianna Fuller Mircheff

22  
23 TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR  
24 COUNSEL OF RECORD:

25 Defendants THE GUILD LAW SCHOOL DBA PEOPLE'S COLLEGE OF  
26 LAW, JOSHUA GILLENS, WILLIAM MAESTAS, BOARD OF DIRECTORS  
27 FOR THE PEOPLE'S COLLEGE OF LAW, CHRISTINA MARIN GONZALEZ;  
28 ROGER ARAMAYO; ISMAIL VENEGAS; CLEMENTE FRANCO; HECTOR

PENA; PASCUAL TORRES; CAROL DEUPREE; JESSICA VIRAMONTES; JUAN SARINANA; ADRIANA ZUNIGA; PREM SARIN; DAVID BOUFFARD; and HECTOR SANCHEZ respectfully requests this Court to deny Plaintiff's NOTICE OF OBJECTION TO PREMATURE RULING ON PENDING RULE 12(b)(6) MOTIONS AND REQUEST FOR RULING ON PLAINTIFF'S TIMELY REQUEST TO AMEND UNDER FRCP 15(21)(2). [Dkt. No. 322.]

**I. INTRODUCTION**

Plaintiff has filed a document titled "Notice of Objection to Premature Ruling on Pending Rule 12(b)(6) Motions and Request for Ruling on Plaintiff's Timely Request to Amend Under FRCP 15(a)(2)." In substance, Plaintiff appears to be requesting that the Court acknowledge various filings related to his proposed Fifth Amended Complaint, specifically, docket entries 310 and 313 through 318, and for a determination that these filings render any pending Rule 12(b)(6) motions directed at the Fourth Amended Complaint "premature."

This request lacks merit. Plaintiff has not filed a procedurally proper motion for leave to amend, nor a proper amended complaint, and his effort to sidestep the Court's consideration of the fully briefed Rule 12(b)(6) motions is both improper and unsupported by law. Simply submitting a proposed amended complaint does not divest the Court of authority to rule on pending motions. Plaintiff's filing reflects yet another attempt to delay adjudication and avoid the consequences of his continued failure to state a viable claim. The Court should deny Plaintiff's request.

**II. PLAINTIFF'S PROPOSED FIFTH AMENDED COMPLAINT IS PROCEDURALLY IMPROPER AND DOES NOT RENDER THE PENDING MOTIONS TO DISMISS MOOT**

Plaintiff contends that the Court would commit "prejudicial error" by ruling on the proposed Fifth Amended Complaint without first docketing or formally addressing his "corrected" or redline versions. He argues that such action would "materially mischaracterize" the record. Yet, as in many of his prior filings, Plaintiff

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1 fails to acknowledge or follow the procedural rules that govern federal litigation and  
2 this Court’s authority.

3 This is yet another attempt by Plaintiff to sidestep the repeated and  
4 unaddressed deficiencies raised by Defendants and this Court, and is an attempt to  
5 preempt the possibility of dismissal without leave to amend. Contrary to his  
6 suggestion, the mere filing of a proposed amended complaint does not automatically  
7 render a pending motion to dismiss moot—the amended complaint must be  
8 procedurally proper.

9 Plaintiff cites the general rule set forth in *Ramirez v. County of San*  
10 *Bernardino*, 806 F.3d 1002 (9th Cir. 2015), that an amended complaint supersedes  
11 the original and thus would deem moot any pending motions to dismiss the original  
12 complaint. But he omits the procedural context that underpins that rule. In *Ramirez*,  
13 the Ninth Circuit addresses a properly filed amended complaint—one that was filed,  
14 pursuant to Rule 15(a)(1), as a matter of course within 21 days of the filing of the  
15 Rule 12(b)(6) motion. Plaintiff has not done so here.

16 Rule 15(a)(1) allows a party to amend its pleading once as a matter of course  
17 within 21 days of serving it or within 21 days after service of a motion under Rule  
18 12(b). Plaintiff filed his proposed Fifth Amended Complaint on May 19, 2025—  
19 well outside the 21-day window. Indeed, Plaintiff’s filing came 32 days after  
20 Defendants’ motion to dismiss was filed on April 17, and 36 days after Defendant  
21 Spiro’s motion. As such, Plaintiff may amend “only with the opposing party’s  
22 written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(2). Plaintiff has neither  
23 obtained leave of Court nor received written consent. Instead, he has attempted to  
24 unilaterally file an amended complaint without following the procedural  
25 requirements of the Federal Rules.

26 Accordingly, there is no valid, properly filed Fifth Amended Complaint  
27 before the Court. The pending Rule 12(b)(6) motions are directed to the operative  
28 Fourth Amended Complaint and should be adjudicated as such. Plaintiff’s

procedural shortcuts do not entitle him to avoid judicial review or frustrate the orderly resolution of this case. To the extent the Court considers his proposed Fifth Amended Complaint at all, it should do so only in the context of evaluating whether further amendment is warranted—and should find that it is not.

**III. CONCLUSION**

Plaintiff's latest filing is yet another attempt to delay and evade adjudication. Plaintiff has not filed a proper Rule 15 amended complaint—he neither filed within 21 days of the pending Rule 12(b)(6) motions nor did he obtain consent of the parties or leave of court. The Court should reject Plaintiff's improper procedural maneuvering, deny any request to treat the proposed Fifth Amended Complaint as operative, and proceed to rule on the motions to dismiss the Fourth Amended Complaint.

DATED: June 13, 2025

HAIGHT BROWN & BONESTEEL LLP

By:



Arezoo Jamshidi

Allison E. Harvey

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HECTOR PENA; PASCUAL TORRES;  
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DAVID BOUFFARD; and HECTOR  
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**PROOF OF SERVICE**

*Hill v. The Board of Directors, Officers, et al.*  
Case No. 2:23-cv-01298-JLS-CFM

**STATE OF CALIFORNIA, COUNTY OF CONTRA COSTA**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Contra Costa, State of California. My business address is 1255 Treat Blvd., Suite 610, Walnut Creek, CA 94597.

On June 13, 2025, I served true copies of the following document(s) described as:

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S NOTICE OF  
OBJECTION TO PREMATURE RULING ON PENDING RULE 12(B)(6)  
MOTIONS AND REQUEST FOR RULING ON PLAINTIFF'S TIMELY  
REQUEST TO AMEND UNDER FRCP 15(21)(2)**

on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address pjohnson@hbblaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 13, 2025, at Walnut Creek, California.

  
Paula M. Johnson

**SERVICE LIST**

*Hill v. The Board of Directors, Officers, et al.*  
Case No. 2:23-cv-01298-JLS-CFM

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